

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHNNY L. SMALL,  
Plaintiff,

v.

Z. AHMED,  
Defendant.

Case No. [15-cv-00047-JCS](#) (PR)

**ORDER OF DISMISSAL**

Plaintiff has failed to comply with the Court's order to (1) perfect his application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$400.00. His IFP application is incomplete because it does not contain a Certificate of Funds that has been completed and signed by an authorized prison officer. Nor does it contain a prison trust account statement showing transactions for the last six months. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b).<sup>1</sup> Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion **must** contain (1) both documents described above; or (2) full payment for the filing fee of \$400.00.

Plaintiff's IFP application (Docket No. 2) is DENIED as insufficient. The Clerk shall terminate Docket No. 2, enter judgment in favor of defendant, and close the file.

**IT IS SO ORDERED.**

**Dated:** February 20, 2015

  
JOSEPH C. SPERO  
Chief United States Magistrate Judge

<sup>1</sup> Plaintiff consented to magistrate judge jurisdiction. (Docket No. 5.) The magistrate judge, then, has jurisdiction to decide this motion, even though defendants have not been served or consented to magistrate judge jurisdiction. *See Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995)

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/20/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Johnny L. Small ID: #:J-44318  
Chino State Prison  
P.O. Box. 500  
Chino, CA 91708

Dated: 2/20/2015

Richard W. Wieking  
Clerk, United States District Court

By: Karen L. Hom  
Karen Hom, Deputy Clerk to the  
Honorable JOSEPH C. SPERO

United States District Court  
Northern District of California